IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

APPEAL NO.101 OF 2007

IN

SUIT NO.3414 OF 1992

...

The Secretary,
Charkop Yojana Co.op.Hsg.Soc.
Ltd. ..Appellant

v/s.

Shri J.L.Ashar & Anr. ..Respondents

...

Mr.R.V.Govilkar for the Appellant.

Mr.K.J.Hakani for the Respondents.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 5TH SEPTEMBER, 2007

P.C.:

1. Appeal is not on board for final hearing, however, with the consent of the parties it is taken up for final hearing.

2. By consent of parties, the Appeal is disposed of in following terms:

(i) In case the Appellant deposits an amount of Rs.1,60,000/- in this court with due notice to the Plaintiff, within a period of three months from today, the judgment and decree impugned in the Appeal shall stand set aside.

(ii) In that event the Defendant/Appellant shall be entitled to file his written statement within a period of four weeks from the date of deposit and thereafter the suit shall be placed before the appropriate court for appropriate orders.

(iii) In case the amount is not deposited within the aforesaid period, the office shall treat this appeal

as dismissed and the Plaintiff shall be free to execute the decree in accordance with law.

(iv) In case the amount is deposited, the Prothonotary & Sr.Master shall permit the Plaintiff to withdraw the amount subject to furnishing bank guarantee of a nationalised bank to the satisfaction of the Prothonotary & Sr.Master and on filing an undertaking to bring back the amount, if so directed by this court and on such terms and conditions as may be directed by this court, with further undertaking that in that event the rate of interest shall not be less than 12% p.a.

(v) Withdrawal shall be permitted within a period of six weeks from the date of deposit. In case the amount is not withdrawn within the aforesaid period, it shall be invested in fixed deposit during the pendency of the suit to the credit of the suit.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1754 OF 2007

IN

APPEAL NO.101 OF 2007

IN

SUIT NO.3414 OF 1992

The Secretary,
Charkop Yojana Co.op.Hsg.Soc.
Ltd. ..Appellant

v/s.

Shri J.L.Ashar & Anr. ..Respondents

...

Mr.R.V.Govilkar for the Appellant.
Mr.K.J.Hakani for the Respondents.

...

CORAM: D.K.DESHMUKH &
J.H.BHATIA, JJ.

DATED: 5TH SEPTEMBER, 2007

P.C.:

In view of the order passed in Appeal, Motion does not survive for consideration. Disposed of as such.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)